

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISIONFILED  
JUN 02 2025CLERK'S OFFICE  
DETROITDERRICK LEE CARDELLO-SMITH, #267009,  
Petitioner,

Vs

Case No 2:25-cv-11486  
Honorable Terrance BergSEAN COMBS, et al,  
Respondents,  
\_\_\_\_\_ /PETITIONERS SUBMISSION OF THE RESPONDENTS  
PRESENTENCE INVESTIGATION REPORT OF PLEA  
AND SENTENCE REACHED ON MAY 2, 2019 IN THE  
WAYNE COUNTY CIRCUIT COURT CONFIRMING THE  
PETITIONERS SUBMISSION OF FRCP 410 EVIDENCE

Petitioner, Derrick Lee Cardello-Smith, in the above cause and in full compliance with Federal Rules of Civil Procedure 26 hereby provides this Court with the Mandatory Disclosure of All Documents for the Case at bar and to ensure the respondents have all relevant documentation as it has been agreed upon in 1997 and again in May 2019.

The Documents are as follows:

1. Michigan Department of Corrections Presentence Investigation Report.
2. Plea & Sentence Agreement of May 2, 2019 Confirming Petitioner plea to 2nd Degree Murder and Full Dismissal of the Kidnapping and Criminal Sexual Conduct Charges.
3. Confirmation that Respondent Sean Combs, Kym L. Worthy and Detective Patricia Penman, Sent 3 Mean to Execute Petitioner in 1997 and Petitioner Defended himself while protecting a Woman.
4. Confirmation of Petitioner being Cleared by the Detroit Police Department of Any Sex Crimes.
5. Plea agreement to Dismiss the Sexual Offenses.

These documents are submitted as confirmation that the Petitioner was originally sentenced to Prison for the crime of 2nd Degree Murder and then was falsely charged with the offenses of Kidnapping Rape Charges.


Petitioner is providing these documents to the Court for Full Compliance with the Federal Rules of Evidence and Mandatory Disclosure and Discovery

Petitioner, hereby Submits the May 2, 2019 Plea and Sentencing Agreement entered into by all parties and filed in the Wayne County Clerks Office confirming that the Petitioner entered into a signed agreement with the Respondents and that this is the deal made by all parties and that it was done to keep the Respondents from being held accountable for their roles in the attempted murder plot of this Petitioner by the Respondents Individual and Joint Actions.

This concludes this part of the mandatory disclosure, discovery and rules of evidence compliance duties of the petitioner.

Thank you.

May 27, 2025

  
Derrick Lee Cardello-Smith, #267009  
Ionia Maximum Correctional Facility  
1576 W. Bluewater Highway  
Ionia, MI 48846

PROOF OF SERVICE

I mailed one copy of this pleading to the respondents address of record on May 17, 2025 by US Mail with all postage paid in full from Ionia, MI 48846

New Conviction Update Report

PEOPLE OF THE STATE OF MICHIGAN  
-VS-

DERRICK LEE CARDELLO-SMITH  
MDOC #267009

FILED  
CATHY M. GARRETT  
WAYNE COUNTY CLERK  
MAY 3, 2019

WAYNE COUNTY CIRCUIT COURT DESCRIPTION OF  
THE OFFENSE & SENTENCING INFORMATION FOR  
PLACEMENT ON PUBLIC INFORMATION SYSTEM &  
STATE PRISON INFORMATION SYSTEM IN FULL  
COMPLIANCE WITH SETTLEMENT AGREEMENT OF  
MAY 2, 2019 REGARDING THE CORRECTED AND  
UPDATED RELEASE DATE & INFORMATION FOR  
MR. DERRICK LEE CARDELLO-SMITH #267009  
CASE NO'S 1997-010147-01-FC-2008-008639-01-FC  
RESOLVED IN THE SETTLEMENT AGREEMENT OF  
2019-000756-01-FC ON MAY 3, 2019 IN DETROIT, MI  
NEW RELEASE DATE OF AUGUST 18, 2026



detroit  
police

# HOMICIDE REPORT

## AMENDED

FILED  
CATHY M. GARRETT  
WAYNE COUNTY CLERK  
MAY 27, 1998

REPORTING AGENCY: DETROIT POLICE DEPARTMENT  
CASE REPORT NUMBER: 0811306.1

REPORTED ON JULY 24, 1997 00:45AM OCCURRED ON JULY 8, 1997  
AT EAST 8 MILE & VAN DYKE ROADS-DETROIT, MI SCA/10:09PM SECTOR A 9TH

OFFENSE:HOMICIDE-SPECIAL CIRCUMSTANCES-MURDER:OFFENSE IS A REGISTERED SELF-  
DEFENSE EXPERT WITH TRAINING IN MARTIAL ARTS 7 HAND-TO-HAND COMBAT-OFFENSE  
HEIGHTENED--BY INTENTIONAL OVERKILL & INTENTIONAL OVERUSE OF DEFENSE TACTICS-  
OFFENDER KNEW THAT THE 3 ATTACKERS WERE CIVILIANS & NOT TRAINED COMBATANTS

1. ARRESTEE: DERRICK LEE CARDELLO-SMITH:AGE:24SEX:MALE:RACE:BLACK-ITALIAN-MEX-  
ADDRESS:-----DETROIT, MI 48205-26--Phone -----  
HOMICIDE VICTIM/ATTACKER:CARL BISHOP:AGE 47:SEX:MALE-RACE:CAUCASIAN/WHITE- No  
Relationship to Suspect/Offender--

3. ASSAULT VICTIM/ATTACKER:ROBERT GUNTER:AGE:53:SEX:MALE-RACE:CAUCASIAN/WHITE-  
No Relationship to Suspect/Offender

4. ASSAULT VICTIM/ATTACKER:DAVID BROCK: AGE:\$\$:SEX:MALE-RACE:CAUCASIAN/WHITE-  
No Relationship to Suspect/Offender

OFFENDER DESCRIPTION: On or About July 7/8, 1997, Suspect DERRICK LEE CARDELLO-SMITH, Age 24, and His Female Companion age 20, were leaving the AMC Movie Theater on 8 Mile & Van Dyke Roads in Detroit, MI when the 2 were approached by Three Strangers known now as the above Three Named Victim/Attackers. The deceased Victim CARL BISHOP and his 2 friends were leaving a Tavern/Bar Adjacent to the Theater when they came upon Derrick Lee Cardello-Smith and his Girlfriend heading to their Car (1997 Chevy Camaro Z-28) and as they passed by the 3 Victims/Attackers, Comments were made about the pair being an "Interacial-Couple" and words were exchanged--An argument ensued between all Men with the Leader, Carl Bishop becoming enraged that the Suspect was with a "Woman of the Opposite Race!" hat she is White and Needs to "Stay within Her own Race". The Trio then Started Yelling to Offender Cardello-Smith that "O.J. KILLED HIS WOMAN, so Will this Nigger Your With!"

Offender Cardello-Smith was attempting to keep the matter from getting more aggressive, when, according to Witnesses and bystanders, two of the three men started fighting Cardello-Smith, who saw the Third Mail, Carl Bishop was physically attacking his Girlfriend by slapping her with his Hand to face contact, and calling her a "Nigger-Lover" and "Race Traitor!"

Cardello-Smith was still Engaged with Gunter & Brock when his Girlfriend yelled out, "Derrick Help!", Derrick then saw her and saw that the (Decedent) Carl Bishop had in fact Brandished a Sharp Edged Weapon and/or Knife and was about to Stab his Girlfriend while the Other 2 Men were keeping Derrick Busy and they were Laughing, and then, According to Witnesses, Cardello-Smith broke Gunter's Arm, Broke the Leg of Brock, immobilizing them both and Cardello-Smith then Ran & Intercepted the knife by Placing His Own Arm in between the Blade of the Weapon and His Companions Body/Upper torso, the Knife then Penetrated Cardello-Smith's Right Forearm and Cardello-Smith grabbed Carl Bishop's Wrist Pulling the Knife out and Forced it into the Lungs of the remaining Victim/Attacker Carl Bishop. Offender Cardello-Smith was then heard saying "You were going to Stab my Date! Now Your Going to Die in a Filthy Parking Lot, You should have Just Let us Be!" "Die Where You Are You Racist Bitch!" Cardello-Smith then went to his Companion who was Shaken.

Derrick then Went to the Other 2 Pair that were already immobilized and proceeded to Kick them and Fracture other parts of their bodies until he was Subdued by Officers who arrived on Scene--The Victim Carl Bishop was taken to Emergency Triage at St. Johns Hospital where he Succumbed to his Injuries 2 Weeks later--Cardello-Smith was then taken into Custody for Open Murder.

Arrestee transported to 9th Precinct for Holding/Charging Purposes review by Detective Jose' Ortiz and Sgt. David Cobb.



# HOMICIDE INCIDENT REPORT

REPORTING AGENCY: DETROIT POLICE DEPARTMENT  
CASE REPORT NUMBER: 0801130106.1

**FILED**  
CATHY M. GARRETT  
WAYNE COUNTY CLERK

**police**

REPORTED ON JULY 8, 1997 12:45AM OCCURRED ON JULY 24, 1997, 10:09PM  
AT EAST 8 & VAN DYKE ROADS--DETROIT, MI SCA/CENSUS:10:09pm SECTOR A

MAY 3, 2019

OFFENSE:HOMICIDE-SPECIAL CIRCUMSTANCES-MURDER:OFFENDER IS A REGISTERED SKLF-  
DEFENSE EXPERT WITH TRAINING IN MARTIAL ARTS & HAND-TO-HAND COMBAT-OFFENSE  
HIGHTENED--BY INTENTIONAL OVERKILL & INTENTIONAL OVERUSE OF DEFENSE TACTICS-  
OFFENDER KNEW 3 ASSAILANTS WERE CIVILIANS & NOT TRAINED COMBATANTS

1. ARRESTEE: DERRICK LEE CARDELLO-SMITH:AGE:24SEX:MALE:RACE:BLACK-ITALIAN-MEX-  
ADDRESS:-----DETROIT, MI 48226--Phone:-----

2. HOMICIDE VICTIM: CARL BISHOP: AGE:47:SEX:MALE:RACE:CAUCASIAN/WHITE -No  
Relationship to Suspect/Offender

3. ASSAULT VICTIM: ROBERT GUNTER: AGE:53:SEX:MALE:RACE:CAUCASIAN/WHITE NO  
Relationship to Suspect/Offender

4. ASSAULT VICTIM: DAVID BROCK: AGE:44: SEX:MALE:RACE:CAUCASIAN/WHITE No  
relationship to Suspect/Offender

OFFENSE DESCRIPTION: On July 7, 1997, Suspect DERRICK LEE CARDELLO-SMITH, Age 24, and His Girlfriend, ----- Age 20, were leaving the AMC Movie Theater on 8 Mile & Van Dyke Roads in Detroit, Michigan when the 2 were approached by three Strangers known now as the above three named Victims. The Deceased Victim CARL BISHOP and his two friends were leaving a Tavern/Bar, when they came upon Derrick Lee Cardello-Smith & his Girlfriend were heading to their car in the parking Lot and then passed the three Men who made comments about the pair being an "Interracial Couple" and words were then exchanged--an Argument ensued between all the men involved with the Leader, Carl Bishop becoming Enraged that the Suspect was with a woman of the Opposite Race-She is Caucasian and Needs to stay within her own race, the three men were saying. The Trio Started yelling obscenities at Cardello-Smith and his Girlfriend. OJ KILLED HIS WOMAN so what this Nigger Here your with!

Offender Cardello-Smith was attempting to keep the matter from getting more aggressive, when, according to witnesses and bystanders, two of them men started fighting with Cardello-Smith, who saw that the Third Male, Carl Bishop was physically attacking his Girlfriend, by slapping her and calling her a "Nigger-Lover" and "Race Traitor".

Cardello-Smith was still engaged in fighting Gunter & Brock, when his Girlfriend then yelled out, "Derrick Help!", Derrick then saw her and saw that the (Decedent) Carl Bishop had in fact possessed a Sharp Edged Weapon and/or knife and was about to Stab Derrick's Girlfriend while the other 2 Men were keeping Derrick Busy and they were laughing, and then, the next thing, Offender Cardello-Smith broke Gunter's Arm, Broke the Leg of Mr. Brock, immobilizing both parties and Cardello-Smith then Ran and Intercepted the knife by placing His Own Arm in between the Weapon and his Girlfriends Upper Torse and then, the knife penetrated Mr. Cardello-Smith's Right Forearm, and then, Cardello-Smith grabbed Carl Bishop's Wrist and Pulled the knife out of his arm and forced it into the Lungs of the Remaining Assailant, Carl Bishop, Offender was heard saying to the now deceased Victim "You do not like Interracial Couples! "You were going to Stab my Girl! 'Now Your Going to Die in a Filthy Parking Lot with Your Own Knife in your chest!"And then, Cardello-Smith Punch the Victim Carl Bishop 17 times and then the pair "Fell" to the ground... Cardello-Smith then told the Victim, "You should have let this go and just left us alone!" Die where you are YOU Racist Bitch!"

Derrick then went to the other 2 pair that were immobilized and proceeded to kick them and break other bones on their bodies until he was subdued by Officers who arrived on Scene.-The Victim Carl Bishop was taken to Emergency Care at St. Johns Hospital where he succumbed to his injuries 2 weeks later---Derrick Cardello-Smith was taken in to custody for Open Murder.

Arrestee Transported to 9th Precint-Eastern District for holding and processing pending Charges Review by Detectives Jose' Ortiz & David Cobb

MICHIGAN DEPARTMENT OF CORRECTIONS  
PRESENTENCE INVESTIGATION REPORT

CFJ-145  
Rev. 11/09

Honorable: Bridget Mary Hathaway

County: Wayne County

Sentence Date: 05/02/2019

MDOC Nbr.: 267009

Attorney: Clifford Woodards

Appointed/Retained: Appointed

Defendant: Smith, Derrick Lee

Age: 46

D.O.B.: 11/01/1972

## CURRENT CONVICTION(S)

Final Charge(s)			Max			Jail Credit Days	Bond	Convicted By	Conviction Date
			Yrs	Mo.	Days				
Charge(1): 19000756-01-FC	750.520B	Criminal Sexual Conduct, 1st Deg (Hab Crim 3rd Off.)	LIFE			113	Not Posted	Nolo Contendere	04/18/2019
Charge(2): 19000756-01-FC	750.520B	Criminal Sexual Conduct, 1st Deg (Hab Crim 3rd Off.)	LIFE			113	Not Posted	Nolo Contendere	04/18/2019
Charge(3): 19000756-01-FC	750.520B	Criminal Sexual Conduct, 1st Deg (Hab Crim 3rd Off.)	LIFE			113	Not Posted	Nolo Contendere	04/18/2019
Charge(4): 19000756-01-FC	750.520B	Criminal Sexual Conduct, 1st Deg (Hab Crim 3rd Off.)	LIFE			113	Not Posted	Nolo Contendere	04/18/2019

SOR Required: ☒ Y

Date SOR Completed: 04/24/19

Plea Agreement: Cobb's Evaluation: 17.5 to 35 years MDOC

HYTA: No

Pending Charges: None

Where: N/A

Status at Time of Offense: None

## PRIOR RECORD

Conviction: Felonies: 1

Misdemeanors: 4

Juvenile Record: Yes

Probation: Active: No

Former: Yes

Pending Violation: No

Parole: Active: No

Former: Yes

Pending Violation: No

Current Michigan Prisoner: Yes

Currently Under Sentence: Yes

Sentence Date	Offense	County/State	Sentence	Min.	Max.
05/26/1998	Criminal Sexual Conduct, 3rd Deg (Force or Coercion)	Wayne County	Prison	6y	15y
05/26/1998	Criminal Sexual Conduct, 3rd Deg (Force or Coercion)	Wayne County	Prison	6y	15y
10/29/2008	Kidnapping (Hab Crim 4th Off.)	Wayne County	Prison	22y - 6m	75y
10/29/2008	Kidnapping (Hab Crim 4th Off.)	Wayne County	Prison	22y - 6m	75y
10/29/2008	Criminal Sexual Conduct, 1st Deg (During Felony) (Hab Crim 4th Off.)	Wayne County	Prison	22y - 6m	75y
10/29/2008	Criminal Sexual Conduct, 1st Deg (During Felony) (Hab Crim 4th Off.)	Wayne County	Prison	22y - 6m	75y
10/29/2008	Criminal Sexual Conduct, 1st Deg (During Felony) (Hab Crim 4th Off.)	Wayne County	Prison	22y - 6m	75y
10/29/2008	Criminal Sexual Conduct, 1st Deg (During Felony) (Hab Crim 4th Off.)	Wayne County	Prison	22y - 6m	75y
10/29/2008	Criminal Sexual Conduct, 1st Deg (During Felony) (Hab Crim 4th Off.)	Wayne County	Prison	22y - 6m	75y



### PERSONAL HISTORY

Where Employed: Unemployed

Education:

Psychiatric History: No

Physical Handicaps: No

Marital Status: Married

Substance Abuse History: No

PA511 Eligible: No

Investigating Agent: ARNITA D MURRAY  
Worksite: Wayne/Detroit Court Serv./Probation

Caseload No.: 1928  
Phone No: (313)224-2692

Date: 10/27/2008

### DEPARTMENT OF CORRECTIONS RECOMMENDATION

#### Jail Credit:

DOCKET NO. 08008639-01			
Date(s)	Action	Sentence Details	Days
01/13/08 - 10/28/08	Arrest		289
Total Days Jail Credit			289

It is respectfully recommended the defendant be sentenced to the Michigan Department of Corrections for a period of incarceration with credit for 289 days served.

Supervisor: MARY K NISUN

Date: 10/27/2008

## BASIC INFORMATION REPORT

Case 2:25-cv-11486-TGB-APP ECF No. 2, PageID.46 Filed 06/02/25 Page 8 of 36

Victim / Relationship Boike, Carli - No Relationship				Codefendant(s) None		
Circuit 03rd Circuit Court - Wayne County		Judge Bridget Mary Hathaway		Attorney Clifford Woodards		Retained / Appointed Appointed
Method of Conviction Nolo Contendere	Date of Offense 10/12/1997	Date of Arrest 01/09/2019	Date of Bond 01/09/2019	Date of Conviction 04/18/2019	Jail Credit 113	Guilty But Mentally Ill No

## DISPOSITION

Sentence Type			Sentence Date			CTN 821872216301			Fine			Cost			Restitution		
MINIMUM			MAXIMUM			LIFE			JAIL			Supervision Fees			Crime Victims Assessment		
Years	Months	Days	Years	Months	Days		Months	Days									
Attorney Fees			Forensic Fees			Restitution Fund Fees			Other Fees								
Sentencing Guidelines																	
RANGE						LIFE		NA		Prior Record Total				Offense Variable Total			
Low:		High:						X									
Comments:																	



Court Name (Last, First, Middle) Smith, Derrick Lee				MDOC Nbr. 267009		Given Name (Last, First, Middle) Same	
Name Type		Other Names (Last, First, Middle)					
Alias		Moore, Derrick; Moore, Derrick Lee; SMITH, DERRICK LEE					
Court/Commitment Name		SMITH, DERRICK					
Place of Birth Michigan		Citizenship USA		Last Known Address & Telephone No.  470 Martin Luther King Detroit, Michigan 48208 (989) 871-9103			
State & DLN None		DOB 11/01/1972					
SID No. 1504755E		FBI No. 498829LA9					
Race Black or African American	Sex Male	Hair Black	Eyes Brown				
Height 5' 10"	Weight 180	Highest Grade Completed		Occupation None	Health Ins. No	Assets-\$1,500 & Up No	Monthly Income of \$75 & Up No
Marital Status Married		Dependents 0		Religion Catholic	Military Branch Army	Military Dates 1972-1991	Discharge Type Medical
Marks, Scars, Amputations, Tattoos					Drug Abuse	Alcohol Abuse	Mental Health Treatment
Tattoo Right Upper Arm		Tattoo Left Arm		Scar Right Forearm	No	No	No

### CRIMINAL HISTORY

Juvenile			Adult				Status at Time of Offense			
Comm. 0	Prob. 1	Esc. 0	Jail 3	Pris. 1	Prob. 2	Esc. 0	<input checked="" type="checkbox"/> None <input type="checkbox"/> HYTA <input type="checkbox"/> Probation <input type="checkbox"/> District Probation <input type="checkbox"/> Federal Probation <input type="checkbox"/> Federal Parole	<input type="checkbox"/> Delayed Sentence <input type="checkbox"/> Parole <input type="checkbox"/> Jail <input type="checkbox"/> State Prison <input type="checkbox"/> On Bond <input type="checkbox"/> Juvenile Court Supervision		
Age of First Arrest 20		Sex Offense Convictions 12		SAI Eligible No						
Pending Charges in Court No		No. of Prior Felony Convictions 2								
Type of Report Presentence		County Wayne County		Agent & Caseload No. JACLYN M. DRAHEIM - 1911						
DOC Recommended Disposition 4		Probation Violation New Sentence No		Probation Violation Technical No						

### CURRENT OFFENSE

NO. 1 OF 4 Docket No.: Charge (1): 19000756-01-FC Last Name: Smith

PACC Code 750.520B	Offense Criminal Sexual Conduct, 1st Deg (Hab Crim 3rd Off.)	Max LIFE	Consecutive Sentence No
Victim / Relationship Boike, Carli - No Relationship		Codefendant(s) None	
Circuit 03rd Circuit Court - Wayne County	Judge Bridget Mary Hathaway	Attorney Clifford Woodards	Retained / Appointed Appointed
Method of Conviction Nolo Contendere	Date of Offense 10/12/1997	Date of Arrest 01/09/2019	Date of Bond 01/09/2019
	Date of Conviction 04/18/2019	Jail Credit 113	Guilty But Mentally Ill No

### DISPOSITION

Sentence Type		Sentence Date		CTN 821872216301		Fine		Cost		Restitution	
MINIMUM			MAXIMUM			LIFE		JAIL		Supervision Fees	
Years	Months	Days	Years	Months	Days			Months	Days		
Attorney Fees			Forensic Fees			Restitution Fund Fees			Other Fees		
Sentencing Guidelines											
RANGE			LIFE		NA		Prior Record Total		Offense Variable Total		
Low: 240		High: 480				65		100			
Comments:											

### CURRENT OFFENSE

NO. 2	OF 4	Docket No.: Charge (2): 19000756-01-FC				Last Name: Smith	
PACC Code 750.520B	Offense Criminal Sexual Conduct, 1st Deg (Hab Crim 3rd Off.)				Max LIFE		Consecutive Sentence No
Victim / Relationship Boike, Carli - No Relationship				Codefendant(s) None			
Circuit 03rd Circuit Court - Wayne County		Judge Bridget Mary Hathaway		Attorney Clifford Woodards		Retained / Appointed Appointed	
Method of Conviction Nolo Contendere	Date of Offense 10/12/1997	Date of Arrest 01/09/2019	Date of Bond 01/09/2019	Date of Conviction 04/18/2019	Jail Credit 113	Guilty But Mentally Ill No	

### DISPOSITION

Sentence Type			Sentence Date			CTN 821872216301			Fine			Cost			Restitution		
MINIMUM			MAXIMUM			LIFE			JAIL			Supervision Fees			Crime Victims Assessment		
Years	Months	Days	Years	Months	Days		Months	Days									
Attorney Fees			Forensic Fees			Restitution Fund Fees			Other Fees								
Sentencing Guidelines																	
RANGE						LIFE		NA		Prior Record Total				Offense Variable Total			
Low:						High:						x					
Comments:																	

### CURRENT OFFENSE

NO. 3	OF 4	Docket No.: Charge (3): 19000756-01-FC				Last Name: Smith	
PACC Code 750.520B	Offense Criminal Sexual Conduct, 1st Deg (Hab Crim 3rd Off.)				Max LIFE		Consecutive Sentence No
Victim / Relationship Boike, Carli - No Relationship				Codefendant(s) None			
Circuit 03rd Circuit Court - Wayne County		Judge Bridget Mary Hathaway		Attorney Clifford Woodards		Retained / Appointed Appointed	
Method of Conviction Nolo Contendere	Date of Offense 10/12/1997	Date of Arrest 01/09/2019	Date of Bond 01/09/2019	Date of Conviction 04/18/2019	Jail Credit 113	Guilty But Mentally Ill No	

### DISPOSITION

Sentence Type			Sentence Date			CTN 821872216301			Fine			Cost			Restitution		
MINIMUM			MAXIMUM			LIFE			JAIL			Supervision Fees			Crime Victims Assessment		
Years	Months	Days	Years	Months	Days		Months	Days									
Attorney Fees			Forensic Fees			Restitution Fund Fees			Other Fees								
Sentencing Guidelines																	
RANGE						LIFE		NA		Prior Record Total				Offense Variable Total			
Low:						High:						X					
Comments:																	

### CURRENT OFFENSE

NO. 4	OF 4	Docket No.: Charge (4): 19000756-01-FC				Last Name: Smith	
PACC Code 750.520B	Offense Criminal Sexual Conduct, 1st Deg (Hab Crim 3rd Off.)				Max LIFE		Consecutive Sentence No

### Agent's Description of the Offense

The following information was garnered from the Wayne County Prosecutor's Office Criminal Investigation Division's Investigator's Reports dated October 22, 2018, and updated May 2, 2019, per new plea and settlement agreement with the Defendant, Complainant, Wayne County Prosecutor's Office, and Michigan Attorney General's Office. This information and report stays in the electronic and paper file -- hard copy ved by any MDOC or other official per settlement agreement between all parties involved in the case, effective on May 2, 2019.

This case has multiple layers to it, and it involves separate incidents which are: Second Degree Murder - - With Special Circumstances - - Self-Defense.

The criminal sexual conduct is a different case and is not related to each other for scoring and sentencing purposes.

On July 8, 1997, Defendant Derrick Lee Cardello-Smith and his female companion, were leaving a movie theatre when they were approached by the now deceased victim, Cari Bishop, and two companions who were exiting a tavern on 8 Mile and Van Dyke in Detroit, MI. When they came upon Defendant Derrick Lee Cardello-Smith and his female companion who were leaving a movie theatre when Defendant Cardello-Smith and his girlfriend bumped into each other at the corner of the parking lot and building - - an argument ensued with the three men becoming enraged that the Defendant was with a woman of the opposite race (Caucasian). They started yelling obscenities to the Defendant and his companion. Defendant was attempting to keep the matter from getting more aggressive, when according to witnesses, two of the men started fighting with Defendant Cardello-Smith, who then saw that his female companion was being attacked physically by one assailant, Carl Bishop (decedent). Cardello-Smith injured two of the men he was fighting, then ran over to the decedent, Carl Bishop who had pulled a knife on the female companion and was going to assault her with the knife. Defendant caught the decedent by his wrist and while they were grappling, Cardello-Smith then fell on top of the victim Carl Bishop, and the weapon had penetrated the assailant's/decedent's lungs. Defendant then was heard saying "Now you're going to die in a filthy parking lot with your own weapon in your chest" - - the victim was rushed to Emergency Care at St. Johns Hospital where he was kept in intensive care for two weeks, before he succumbing to his injuries. Two weeks later Cardello-Smith was taken into custody for 2nd Degree Murder and was sentenced to Parolable Life.

While in custody, and while representing himself, Defendant obtained an Appeal. Defendant then entered a Plea of No-Contest to a number of years and was given a new conviction from a sexual assault case that occurred in January 2008, while the Appellant was out on bond pending his original appeal.

See police report for full description of the crime as required by new settlement as to the sex crime, which Appellant successfully appealed in January 2019. Defendant is now before this court to be resentenced and has in fact taken a No-Contest Plea for the vacating and dismissal of six (6) counts of Criminal Sexual Conduct, 1<sup>st</sup> Degree (Adult); and two (2) counts of Kidnapping in January 2008. Please see Supplemental Incident report from the Detroit Police Department.

The terms of the sentence and new agreement are; twenty-five (25) years to thirty-five (35) years; no habitual, and a full dismissal of the Criminal Sexual Conduct Charges with the active sentence being second-degree murder. This new sentence takes effect upon the signing of the final Cobbs evaluation and all parties agreeing. Therefore, OTIS (Offender Tracking Information System) will reflect the criminal sexual conduct until the case is resolved-per the agreement between all parties.

The new sentence is the active sentence and will take active sentence status in 2026, and this information will remain in the file record until court approved.

Any party or agency removing this from the file will be subject to liability as agreed upon in the settlement and stipulation between all parties.

Defendant currently will receive a wrongful conviction settlement at \$50,000.00 for each year on the Counts of Criminal Sexual Conduct upon final settlement for the 1997 and 2008 cases per agreement. not subject to forfeiture by the State Correction's Reimbursement Act per the agreed upon amount already paid to the STATE OF MICHIGAN (agreement not provided per privacy laws) - - Three Million, Six-Hundred thousand, dollar settlement will be released to Defendant upon the final resolution of the criminal sexual conduct case, which is currently under review by the parties of Wayne County Prosecutor's Office, Michigan Attorney General's Office, and the Defendant, upon release from the custody of the Michigan Department of Corrections, or an heir or spouse is named by defendant - -

### Sexual Offense Encounter Description

The following information was garnered from the Wayne County Prosecutor's Office Criminal Investigations Division Investigator's Report, dated 10/22/18:

On 10/12/97, Carli Boile reported to Detroit Police Officers she was sexually assaulted. She stated she had stopped at Shell Gas Station near 8 Mile and Schoenherr in the City of Detroit. As she was waiting to pull out into traffic, an unknown male jumped into her car and forced her to drive to an unknown location. Once there, he forced her into the backseat and sexually assaulted her. She stated she got off work at the Club between 2:30 and 3:30 am.

A guy walked by and asked if she could give him a ride home and said he just got out of jail. She told him, "no", and went into the Shell Gas Station at 9 Mile and Regent. After getting gas, she was about to light a cigarette while waiting to pull out of the parking lot. The same guy got into her vehicle and told her to drive. She told him to get out, and he told her to shut up and drive, and said his mom lives on Carlisle and to take him there. While driving he told her, "oh yeah, my mom is dead." He told her to take him to a friend's house and was giving her directions that took them to an alley. The last street she recalled seeing was Alcoy. He said he was waiting for his friend to get home. He told her to turn the car off and it was a bad neighborhood, so she does not want to wake anyone up. About 15 minutes later, she told him he was going to have to wait by himself and she was leaving. She went to turn the car on and the keys were gone. She did not notice the defendant had taken them. She asked of the keys and he told her no. She promised not to start the car and he gave her the keys. He started getting closer to her. Carli said she grabbed her mace and he did not notice. He locked the doors and reclined her seat. He told her they were going to have sex, and he had not had sex in years because he was in federal prison. She started to say, "lets' get a hotel room or something," and he began pulling her pants down and she told him no. He said, "we are going to have sex right here and right now." He pulled her pants down and told her to pull her clothes off. She told him, "no", and he pulled her shirt over her head. She kept fighting him and he saw the mace in her hand and asked what it is. She told him it was nothing and tried to hide it underneath her. He rolled her over, saw it, and then threw it in the front seat. He told her she could mace him, fight with him, but nothing she would do would stop him and he could kill her right there. He put his penis inside of her vagina. He attempted to force his penis in her mouth. After the assault, he had her drive him to the gas station. He left when another patron started paying attention to Carli. She said she was speaking very loudly trying to get him out of her vehicle. She described him as black or Puerto Rican, and indicated he had long hair tied back in a ponytail.

A group founded by the National Institute of Justice was formed to address the issue of sexual assault kits that were not tested in Detroit. This kit was tested in 2015, and the DNA obtained from the kit matched the defendant's.

On 10/11/2018, the victim was re-interviewed and stated she was working at Player Night Club and went to the gas station after work to get gas. She recalled the same circumstances as to how he got into her car. She added once he got in the car she said, "what do you need, you can go get drugs. He said, "Yeah, drive me there and I can go get drugs," I can't remember the street. He had me pull in the ally end and stopped and there was a house kitty corner with a light on. He said we gotta wait. I started to believe that once he got out, I'd be able to get away.

### Marital Update

The Defendant is a single widowed male. His wife passed away from natural causes. His son passed away in a traffic accident while on his way to visit the Defendant in 2010 due to a Drunk Driver. Defendant has a son-in-law named James Preston and a daughter who resides in France named Bridgette Marie Preston—His other family



ties are four brothers and two sisters which he supports and has contact with. Defendant's mother, Rhonda Smith is deceased by natural causes in 2011. Defendant's father, Raymond Cardello-Smith died of natural causes when Defendant was nine-years old.

### Education Update

Writer verified the Defendant obtained a High School Diploma from Notre Dame High School while serving in the United States Army. Defendant obtained an Associate's Degree from Wayne State University in Criminal Law, Civil Rights Litigation, Post-Conviction Proceedings, Appellate Law, and two Certificates of Completion from Blackstone School of Law and Blackstone Career Institute. Defendant is a 4th Degree Black Belt in Tae Kwon Doe as verified by United Take Kwon Doe School Instructor, Master San Kwu Shim. Defendant also has hand to hand training in Close Quarter Combat. While in the Special Branch of the US Army - - Per HYTA DIVERSION PROGRAM - - Defendant was discharged with an honorable status.

### Financial Update

Defendant, as noted above, has cooperated with release of financial information and assets. Defendant has a Settlement Agreement with the Michigan Department of Attorney General; The Wayne County Prosecutor's Office; and Defendant himself, where the United States District Court has Jurisdiction over his finances from the wrongful convictions for the ten (10) counts of criminal sexual conduct; two (2) counts of kidnapping under the WRONGFUL CONVICTION CLAMS ACT at the rate of \$50,000.00 for each year of December 1997, thru May 2019 which will be available upon his release on the second-degree murder charge, and new second-degree murder sentence when the case is resolved in civil litigation where defendant is representing himself. This Money is not subject to the State Corrections Reimbursement Act under the Cobb's agreement and settlement between MDOC, WCPA magistrate, and Defendant.



/SE

# DETROIT POLICE DEPARTMENT FOLLOW-UP REPORT

Case No. 0801130106  
Report No. 0801130106.3  
Report Date: 1/13/2008

DETROIT POLICE DEPARTMENT

**FILED**  
CATHY M. GARRITT  
WAYNE COUNTY CLERK

Page 1 of 4

**MAY 3, 2019**

Subject: 05-05-ED 12 CSC 1 ARR

Case Report Status S - SUBMITTED  
County 82 - WAYNE  
City/Township 99 - DETROIT

Occurred On 1/13/2008 3:00:00 AM  
(and Between) 1/13/2008 6:20:00 AM  
Location F/O 13870 EDMORE  
CSZ DETROIT, MI 48205  
Census/Geo Code 5003  
Grid E1 - 0501  
Call Source CAD/DISP

Vehicle Activity  
Vehicle Travelling

Cross Street

Means

Other Means

Motive

Other Motives

Date Entered 1/13/2008 8:04:50 PM  
Entered By 234406 - ORTIZ, JOSE

Date Verified  
Verified By  
Date Approved  
Approved By  
Connecting Cases  
Disposition ARREST  
Tactical Actions  
Clearance Reason  
Date of Clearance  
Reporting Agency  
Division  
Notified

DETROIT POLICE DEPARTMENT  
5th/Eastern District  
CIB-MILES SEX CRIMES ORTIZ N/C  
SGT WALKER ED DESK SGT  
DECKER

Reporting Officer  
236839 - KNIGHT, JERRY

Assisted By  
237145 - RABIOR, NICOLE

Analyst Agency

Report Narrative PO JOSE ORTIZ 4049 SEX CRIMES CODE 3510 WINTER FURLOUGH TAKEN.

WRITER IS THE OFFICER IN CHARGE OF SEX CRIME CASE 08-48 INVOLVING THE ARREST OF DEFENDANT DERRICK LEE SMITH BM 35. WRITER INTERROGATED THE OFFENDER WHO REFUSED TO SIGN HIS RIGHTS FORM BUT AGREED TO VERBALLY GIVE WRITER HIS VERSION OF THE EVENTS INVOLVING THE VICTIMS, TINA AND ANDREA BOMMARITO. MR. SMITH STATED TO WRITER THAT HE MET TINA BOMMARITO AT THE OSLO BAR A WEEK AGO AND WAS TOLD TO MEET HER AT THE SAME BAR THIS MORNING. MR. SMITH STATES THAT HE MET BOTH COMPLAINANTS AT THE BAR AND THAT HE BOUGHT THEM DRINKS AND PARTIED WITH THEM UNTIL 3:00AM. MR. SMITH STATES THAT THE COMPLAINANTS OFFERED HIM A RIDE HOME AND THAT THEY CONSENTED TO HAVING SEX WITH HIM IN TINA'S CAR. MR. SMITH STATES THAT TINA IS A DOMINATRIX WHO ORDERED HIM AT KNIFEPOINT TO HAVE SEX WITH TINA AND HER SISTER. MR. SMITH STATES THAT HE WAS TOLD BY TINA TO EJACULATE INSIDE OF HER SO THAT SHE COULD HAVE A "NIGGER" BABY SO THAT SHE COULD GET BACK AT HER BOYFRIEND. MR. SMITH STATES THAT BOTH COMPLAINANTS WERE PERFORMING CUNILINGUS ON EACH OTHER WHILE HE WAS HAVING SEX WITH HIM. WHEN CONFRONTED ABOUT THE POLICE DISPATCHER HEARING HIS THREATS TOWARDS THE VICTIMS MR. SMITH RESPONDED THAT HE WAS TOLD BY THE GIRLS TO SAY THOSE THINGS. MR. SMITH ALSO STATES THAT THE VICTIMS WERE PLANNING ON KILLING HIM. MR. SMITH ALSO STATED THAT HE HAS TINA'S BUSINESS CARD IN HIS PROPERTY. WRITER CHECKED THE PROPERTY AND DID FIND TINA BOMMARITO'S BUSINESS CARD CLASSIFYING HERSELF AS A MASSEUSE. TINA INFORMED WRITER THAT SHE DID GIVE HIM HER CARD AT THE BAR WHEN THEY INITIALLY MET. MR. SMITH REFUSED TO WRITE ANYTHING DOWN STATING HE SERVED 10 YEARS IN PRISON FOR CSC 3 BASED ON STATEMENTS HE WROTE TO THE DETECTIVES ON HIS PREVIOUS CASE IN 1997.

## Offense Detail: 1171 - CSC 1ST DEGREE -PENETRATION PENIS/VAGINA

Offense Description	1171 - CSC 1ST DEGREE -PENETRATION PENIS/VAGINA	Location	13 - HIGHWAY/ROAD/ALLEY	No. Prem. Entered	
IBR Code	11A - FORCIBLE RAPE	Offense Completed?	YES	Entry Method	
IBR Group	A	Hate/Bias	00 - NONE (NO BIAS)	Type Security	
Crime Against	PE	Domestic Violence	NO	Tools Used	
Offense File Class	11001 - SEXUAL PENETRATION PENIS/VAGINA -CSC 1ST DEGREE				
PACC					
Local Code					
Using					
Criminal Activity					
Weapons	40 - PERSONAL WEAPONS (HANDS, FEET, TEETH, ETC.)				

## Suspect S1: SMITH, DERRICK LEE

Suspect Number S1  
Name SMITH, DERRICK LEE

DOB  
Age 35

Place of Birth  
SSN

Printed For:  
Printed: January 13, 2008 - 8:26 PM



# DETROIT POLICE DEPARTMENT FOLLOW-UP REPORT

Case No. 0801130106  
Report No. 0801130106.3  
Report Date: 1/13/2008

DETROIT POLICE DEPARTMENT

**FILED**  
CATHY M. GARRETT  
WAYNE COUNTY CLERK  
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**MAY 3, 2019**

AKA  
Alert(s)  
  
Address  
CSZ  
  
Home Phone  
Work Phone

Sex M - MALE  
Race B - BLACK  
Ethnicity U - UNKNOWN  
HL  
WT  
Eye Color  
Hair Color  
Hair Style

DLN  
DLN State  
DLN Country  
Occupation/Grade  
Employer/School  
Res. Country  
Res. Country  
Resident Status

R - RESIDENT OF THE  
COMMUNITY, CITY,  
OR TOWN WHERE  
THE OFFENSE  
OCCURRED

Hair Length  
Facial Hair  
Complexion  
Build  
Teeth

Scars/Marks/Tattoos  
Suspect MO  
Other MO  
Allure  
Habitual Offender  
Status  
  
Suspect Notes

Arrestee A1: SMITH, DERRICK LEE

Arrestee Number A1  
Name SMITH, DERRICK LEE  
AKA  
Alert(s)  
  
Address  
CSZ  
  
Home Phone  
Work Phone

DOB  
Age 35  
Sex M - MALE  
Race B - BLACK  
Ethnicity U - UNKNOWN  
Ht 5' 10"  
WL 170  
Eye Color  
Hair Color  
Hair Style

Place of Birth  
SSN  
DLN  
DLN State  
DLN Country  
Occupation/Grade  
Employer/School  
Res. Country  
Res. Country  
Resident Status

R - RESIDENT OF THE  
COMMUNITY, CITY,  
OR TOWN WHERE  
THE OFFENSE  
OCCURRED

Hair Length  
Facial Hair  
Complexion LBR - LIGHT BROWN  
Build S - SMALL  
Teeth

Scars/Marks/Tattoos  
Modus Operandi  
Other MO  
Allure  
Habitual Offender  
Status

Arrest No. 116081  
Arrest Type T - TAKEN INTO CUSTODY  
Force Level 01 - LEVEL 1  
FBI No.  
State No.  
Armed With 01 - UNARMED  
Mull. Clearance N - NOT APPLICABLE  
Mull. Clearance  
Offense  
Prev. Suspect No. 1

Arrested For 1171 - CSC 1ST DEGREE -PENETRATION PENIS/VAGINA  
Count  
Fingerprints  
Photos  
Miranda Read  
Miranda Waived  
Number of Warrants

Arrested On 1/13/2008 6:30:00 AM  
Arrest Location 13870 EDMORE  
Booked On  
Booked Location  
Released Location  
Released On  
Released By  
Release Reason

Juvenile Disposition

DETROIT POLICE DEPARTMENT FOLLOW-UP  
REPORT

Case No. 0801130106  
Report No. 0801130106.3  
Report Date: 1/13/2008

DETROIT POLICE DEPARTMENT

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CATHY M. GARRETT  
WAYNE COUNTY CLERK

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MAY 3, 2019

Notified

Adult Present

Held or

Arrest Notes

Victim V1: BOMMARITO, TINA

Victim Of 1171 - CSC 1ST DEGREE -PENETRATION PENIS/VAGINA

Victim Code V1  
Victim Type I - INDIVIDUAL

Name BOMMARITO, TINA  
AKA  
Alert(s)

Address  
CSZ

Home Phone  
Work Phone

DOB [REDACTED]  
Age 31  
Sex F - FEMALE  
Race W - WHITE  
Ethnicity U - UNKNOWN  
HL  
WL  
Eye Color  
Hair Color  
Facial Hair

Place of Birth  
SSN  
DLN  
DLN State  
DLN Country  
Occupation/Grade  
Employer/School  
Res. County  
Res. Country  
Resident Status

S - RESIDES IN THE  
STATE BUT NOT THE  
COUNTY OR  
COMMUNITY WHERE  
THE OFFENSE  
OCCURRED

Attire

Injury

Circumstances

M - APPARENT MINOR INJURY

Complexion

Testify

Law Enforcement Officer Killed or Assaulted Information	Type
	Assignment Activity Other ORI

Justifiable Homicide Circumstances
---------------------------------------

Victim Offender Relationship

Offender Relationship  
A1 99 - RELATIONSHIP UNKNOWN  
S1 99 - RELATIONSHIP UNKNOWN

Victim Notes

Victim V2: BOMMARITO, ANDREA

Victim Of 1171 - CSC 1ST DEGREE -PENETRATION PENIS/VAGINA

Victim Code V2  
Victim Type I - INDIVIDUAL

Name BOMMARITO, ANDREA  
AKA  
Alert(s)

Address  
CSZ

Home Phone  
Work Phone

DOB [REDACTED]  
Age 21  
Sex F - FEMALE  
Race W - WHITE  
Ethnicity U - UNKNOWN  
HL  
WL  
Eye Color  
Hair Color  
Facial Hair

Place of Birth  
SSN  
DLN  
DLN State  
DLN Country  
Occupation/Grade  
Employer/School  
Res. County  
Res. Country  
Resident Status

S - RESIDES IN THE  
STATE BUT NOT THE  
COUNTY OR  
COMMUNITY WHERE  
THE OFFENSE  
OCCURRED

Attire

Injury

Circumstances

M - APPARENT MINOR INJURY

Complexion

Testify

# DETROIT POLICE DEPARTMENT FOLLOW-UP REPORT

DETROIT POLICE DEPARTMENT

Case No. 0801130106  
Report No. 0801130106.3  
Report Date: 1/13/2008

**FILED**  
CATHY M. GARRETT  
WAYNE COUNTY CLERK

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MAY 3, 2019

Justifiable Homicide  
Circumstances

Law Enforcement  
Officer Killed or  
Assaulted  
Information

Type  
Assignment  
Activity  
Other Off

Victim Offender Relationships

Offender	Relationship
A1	99 - RELATIONSHIP UNKNOWN
S1	99 - RELATIONSHIP UNKNOWN

Victim Notes

**Michigan Department of Corrections  
Presentence Investigation**

CFJ-284

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**Evaluation and Plan**

Appearing before the Court for sentencing on two counts of Kidnapping, and six counts of Criminal Sexual Conduct First Degree, Habitual 4th Notice is Derrick Lee Smith, 35 year old married man, who acknowledges paternity of four children. The defendant reported he was born and raised in the City of Detroit and was residing at 470 Martin Luther King, Detroit, MI 48208 at the time of his arrest. There is no phone service at the residence.

Positively speaking, the defendant was cooperative during his Presentence Investigation interview in the Wayne County Jail, with the exception that he refused to sign or initial the Sex Offender Registration documentation. The defendant stated that he had been previously registered and further stated that he is innocent of the charges he is facing before this Court. The defendant's criminal record reflects he was originally registered 5/18/1998 on the charge of Criminal Sexual Conduct Third Degree.

The defendant continues to have the support of a family friend, Linda Gabriel. Ms. Gabriel reported she has known the defendant over several years and she also believes he is innocent of the charges.

The defendant reported he is relatively good physical health, however he suffers from back problems and arthritis for which he takes an aspirin daily. The defendant also reported he is allergic to penicillin. The defendant denies any history of mental health problems or treatment for same. The defendant was referred for a Competency Evaluation by this Court on 1/28/08 and was found competent to stand trial on 5/5/08.

The defendant denies any illegal drug or alcohol use. The defendant reported he voluntarily attended substance abuse classes while incarcerated, however he denies any drug or alcohol addiction. Parole records also indicate the defendant tested negative for all alcohol and drug tests while under parole supervision. Furthermore, the defendant reported that while incarcerated he obtained his GED in 1999 and he received certificates in Legal Research, and a Paralegal Certificate. The defendant reported he has a very limited employment history, however he worked a Library Clerk and Legal Writer while incarcerated with the MDOC.

Negatively speaking, the defendant has an adult criminal record which dates back to 1991 to the present time. The defendant is currently under sentence, serving six to fifteen years incarceration on two convictions of Criminal Sexual Conduct Third Degree, under Third Circuit Court Docket Numbers 97010147-01 and 98004133-01. The defendant was sentenced on the aforementioned convictions on 5/26/98. Parole violation charges have been served on the defendant as a result of his involvement in the within offense.

The defendant was first paroled on 10/4/07 to expire on 6/26/10 and 11/20/10. The within charges are the defendant's first known parole violations.

In addition, the defendant was unsuccessfully discharged from out-patient sex offender treatment on 1/24/08 by his counselor, Theodore Martin at Carefirst Community Health Services (313) 846-5020.

## Presentence Investigation

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The defendant's prognosis for the future is extremely poor, in light of his pending parole violations and his continued involvement in criminally sexual assaultive behavior. The defendant denies culpability in the within offense and is adamant that he is innocent of the charges and was coerced into pleading Nolo Contendere.

The defendant's sentencing guidelines ranges on the charge of Criminal Sexual Conduct First Degree are 270 to 900 months which mandate incarceration. The defendant's sentencing guidelines on the conviction of Kidnapping are 270 to 450 months which also mandate incarceration. He is therefore ineligible for PA511 or participation in the SAI Prisoner Boot Camp due to the nature of the offense.

In view of the information reported above, it is therefore respectfully recommended that the defendant serve a term of incarceration on each felony conviction count.

### Agent's Description of the Offense

The following information was garnered from a Detroit Police Investigator's report dated: 1/13/08

On 1/13/08 at approximately 3:00 a.m., the complainants Tina Marie Bommarito, age 31 and Andrea Bommarito, age 21 were leaving the Oslo Bar located at 1456 Woodward, Detroit, MI, when the defendant Derrick Lee Smith walked out of the bar with them. Both complainants initially met the defendant when he walked in the bar at the same time and the complainants walked in the bar around midnight. The defendant walked the complainants to their car and opened the back door and sat in the back seat. A conversation ensued and the complainants agreed to take the defendant home. The defendant directed the complainant to Seven Mile and Gratiot and was instructed to turn on Lappin. The defendant then told the complaint Tina Bommartio to stop the car. The defendant then grabbed both complainants and told them that he had a knife and he would hurt them if they did not follow his instructions. The defendant made complainant Andrea Bommarito get in the back seat. He then tied her wrists with a scarf and made her lay down on the floor. The defendant made Tina Bommarito (Complainant No. 1) get in the passenger seat and told her to disrobe. The defendant forced his penis inside Complainant No. 1's vagina without a condom. Andrea Bommarito (Complainant No 2) had her sister's cell phone in her hand and managed to dial 911 and left the phone on. The defendant drove the car and parked at a darker location. The defendant then made the complainants switch places again. The defendant then tied complainant No. 1's wrist and made her lay on the floor. The defendant forced his penis inside complainant No.2's vagina without a condom. The defendant made the complainants switch places again. The defendant complainant No. 1 perform oral sex on him then attempted to get on top of the complainant, when she opened the car door and ran to 7 Mile Road where she flagged down an unknown vehicle. Complainant No. 2 then called 911 again and spoke to a dispatcher. The defendant chased complainant No. 1 and grabbed her and took her back to the car.

The dispatcher instructed officers to go to 7 Mile and Hoyt, but the car was gone when the officers arrived. Detroit and Eastpointe Police were in the area looking for the car. The complainant No. 2 had left her cell phone on in the car and the dispatcher could hear the defendant say he was going to rape and kill the complainants. The defendant stopped the car in front of 13780 Edmore and forced his penis inside complainant

## Presentence Investigation

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No. 1's vagina for a second time. Complainant No. 1 was able to hit the hazard lights with her foot. The defendant then became enraged and was trying to turn the hazard lights off. The dispatcher informed officers to look for the car with the hazard lights on. Eastpointe Police located the car and arrested the defendant. There was no weapon found.

The defendant was charged with six counts of Criminal Sexual Conduct First Degree and two counts of Kidnapping and pled Nolo Contendere to all conviction counts on 10/14/08.

### Consecutive Sentences

The Assistant Prosecuting attorney offered no statement as to whether consecutive sentencing applies, however as the defendant was under parole supervision at the time of his arrest, consecutive sentencing applies.

### Victim's Impact Statement

Writer spoke with the victim, Tina Bommarito who was reluctant to discuss the case over the telephone. Writer faxed a Victim's Impact Statement to the complainant and is awaiting a return fax at the time of this writing.

It is therefore, recommended that restitution be set a zero unless further information is obtained.

### Defendant's Description of the Offense

The defendant gave the following statement when interviewed in the Wayne County Jail:

"I am not guilty of the charges. The only reason I pled no contest was to get out of the county jail after 10 months of being incarcerated. I didn't commit the crime, they are both liars. While I was representing myself, I was denied the chance to fully present a good defense for myself, due to being held in the Wayne County Jail since 1/13/08 the night of the case. 24 hours a day locked down against my will and coerced into resolving this matter, due to my present living conditions. I am innocent of the crime."

/s/ Derrick Lee Smith

### Criminal Justice

#### Juvenile History:

This investigation revealed no juvenile criminal history for this offender.

NO. 1 OF 1

Offense Date:	None
Petition Date:	
Petitioning Agency:	

**Michigan Department of Corrections  
Presentence Investigation**

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Charge(s) at Petition:	
Court of Jurisdiction:	
Final Charges:	
Adjudication Date/Method:	
Sentence/Disposition:	
Sentence/Disposition Date:	
Attorney Present:	
Discharge Date:	
Notes:	

**Adult History:**

NO. 1 OF 8

Offense Date:	10/21/1991
Status at Time of Offense:	
Arrest Date:	10/21/1991
Arresting Agency:	Harper Woods Police Dept.
Charge(s) at Arrest:	Embezzlement
Court of Jurisdiction:	32A District Court, CFN 91-50900CM
Final Charges:	Embezzlement
Conviction Date/Method:	01/11/1993 / Plea
Sentence/Disposition:	45 days confinement
Sentence Date:	01/11/1993
Attorney Present:	
Discharge Date:	Unknown
Notes:	

NO. 2 OF 8

Offense Date:	02/08/1992
Status at Time of Offense:	
Arrest Date:	02/08/1992
Arresting Agency:	St Clair Shores Police
Charge(s) at Arrest:	Check Insufficient Funds \$100 or more but less than \$500
Court of Jurisdiction:	40th District Court, CFN DC91060SFY
Final Charges:	Check Insufficient Funds \$100 or more but less than \$500
Conviction Date/Method:	02/26/1992 / Plea
Sentence/Disposition:	F/C/R \$100
Sentence Date:	02/26/1992
Attorney Present:	
Discharge Date:	Unknown
Notes:	

NO. 3 OF 8

Offense Date:	04/15/1992
Status at Time of Offense:	
Arrest Date:	04/15/1992



**Michigan Department of Corrections**  
**Presentence Investigation**

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Arresting Agency:	East Pointe Police
Charge(s) at Arrest:	Larceny>\$100
Court of Jurisdiction:	16th Circuit Court, Dkt #92971FH
Final Charges:	Attempt Larceny>\$100
Conviction Date/Method:	Unknown / Plea
Sentence/Disposition:	3 years probation, first 12 months Macomb Jail \$45/mo + \$628 F/C/R
Sentence Date:	06/11/1993
Attorney Present:	Yes
Discharge Date:	Unknown
Notes:	

**NO. 4 OF 8**

Offense Date:	04/21/1992
Status at Time of Offense:	
Arrest Date:	04/21/1992
Arresting Agency:	Harper Woods Police Dept.
Charge(s) at Arrest:	False Pretense
Court of Jurisdiction:	32A District Court, Dkt #9251799CM
Final Charges:	False Pretense
Conviction Date/Method:	06/03/1992 / Plea
Sentence/Disposition:	Confinement 45 days
Sentence Date:	06/03/1992
Attorney Present:	
Discharge Date:	Unknown
Notes:	

**NO. 5 OF 8**

Offense Date:	09/04/1992
Status at Time of Offense:	
Arrest Date:	09/04/1992
Arresting Agency:	DPD
Charge(s) at Arrest:	Larceny by False Personation>\$100
Court of Jurisdiction:	3rd Circuit Court, Dkt #92-01058701
Final Charges:	Larceny by False Personation>\$100
Conviction Date/Method:	09/21/1992 / Plea
Sentence/Disposition:	5yrs probation and confinement 1 year
Sentence Date:	12/01/1992
Attorney Present:	Yes
Discharge Date:	Unknown
Notes:	

**NO. 6 OF 8**

Offense Date:	11/16/1997
Status at Time of Offense:	
Arrest Date:	11/16/1997
Arresting Agency:	DPD
Charge(s) at Arrest:	CSC 3rd

**Michigan Department of Corrections**  
**Presentence Investigation**

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Court of Jurisdiction:	3rd Circuit Court, Dkt #97-1014701
Final Charges:	CSC 3rd
Conviction Date/Method:	05/01/1998 / Plea
Sentence/Disposition:	6yrs to 15yrs MDOC
Sentence Date:	05/26/1998
Attorney Present:	Yes
Discharge Date:	NA
Notes:	Parole violation charges pending

**NO. 7 OF 8**

Offense Date:	03/17/1998
Status at Time of Offense:	
Arrest Date:	03/17/1998
Arresting Agency:	DPD
Charge(s) at Arrest:	CSC 3rd
Court of Jurisdiction:	3rd Circuit Court, Dkt #98-413301
Final Charges:	CSC 3rd
Conviction Date/Method:	05/01/1998 / Jury
Sentence/Disposition:	6 to 15 years MDOC
Sentence Date:	05/27/1999
Attorney Present:	Yes
Discharge Date:	NA
Notes:	Parole violation charges pending

**NO. 8 OF 8**

Offense Date:	01/13/2008
Status at Time of Offense:	Parole
Arrest Date:	01/13/2008
Arresting Agency:	DPD
Charge(s) at Arrest:	2 Cts Kidnapping, 6 Cts CSC 1st Degree
Court of Jurisdiction:	3rd Circuit Court, Dkt #08-8639-01
Final Charges:	2 Cts Kidnapping, 6 Cts CSC 1st Degree
Conviction Date/Method:	10/14/08/ Nolo Contendere
Sentence/Disposition:	Pending sentence
Sentence Date:	10/29/2008
Attorney Present:	Yes
Discharge Date:	NA
Notes:	

**Parole Adjustment:**

The defendant was initially paroled on 10/04/07 to the Kings Arms Hotel, he was placed under maximum supervision. His supervision plan was to remain crime free, no illegal drug use comply with the standard conditions of parole and to comply with Sex Offender Registration. The defendant remained unemployed during his parole supervision and tested negative for drug and alcohol use.

## Michigan Department of Corrections

CFJ-284

## Presentence Investigation

Rev. 10/03

The defendant was served with parole violation charges on 1/24/08 and pled not guilty to the charges. A parole violation hearing was held on 2/1/08 and probable cause was found on his parole violations.

**Misconducts:**

While incarcerated the defendant received misconducts on 12/17/99 for Possession of Forged Documents, and 11/10/01 and 6/2/02 for Out of Place/out of Bounds.

**Personal Protection Order(s):**

Effective Date:	None
Issuing Location:	
Docket Number:	
Protected Person:	
Expiration Date:	
Notes:	

**Gang Involvement:**

There has been no known prior gang involvement for the defendant.

Start Date	End Date	Gang Name	Gang Location	Gang Role	Gang Rank/Status

**Gang Marks, Scars, & Tattoos:**

None

**Gang Names:**

None

**Family**

Name	Relationship	Age	Address	Phone	Occupation
Smith, Rhonda	Mother	59	19246 Hoyt Detroit, Michigan 48205-2312	(313) 642-6565	
Davis, Jacqueline	Sister	40	22509 Woodcrest Harper Woods, Michigan		
Perry, Willie	Brother		Unknown Michigan		
Robertson, Marie	Other Family		18890 Goddard Detroit, Michigan		
Cordello, Raymond	Father	Deceased			

**Comments:**



**Michigan Department of Corrections  
Presentence Investigation**

CFJ-284

Rev. 10/03

**Employment**

Employer Name	Start Date	End Date	Position	Rate of Pay	Termination Reason
Fishbone's	1997	1997			

The defendant reported that his last employment was with Fishbones Restaurant in 1997 prior to his incarceration. The defendant reported that while incarcerated, he worked in the Law Library as a Clerk and Legal Writer.

**Education**

**High School:**

Name	Start Date	End Date	Level Completed	Area of Study	Certificate

The defendant obtained his GED while incarcerated on 1/15/99. He reported that while incarcerated he received certificates in legal Research and a Para Legal Certificate.

**College/Advanced Degrees:**

Name	Start Date	End Date	Level Completed	Area of Study	Certificate
None					

**Vocational/Other Training:**

Name	Start Date	End Date	Level Completed	Area of Study	Certificate
None					

**Substance Use and Treatment**

**Substance Use:**

Drug	Start Date	End Date	Frequency	Age of First Use

The defendant denies any history of illegal drug use or alcohol use. The defendant reported he voluntarily attended substance abuse treatment while incarcerated. The defendant tested negative for all substance abuse tests during parole supervision.

**Substance Abuse Treatment:**

Treatment Type	Provider	Start Date	End Date	Completed
None				

**Michigan Department of Corrections**  
**Presentence Investigation**

CFJ-284  
Rev. 10/03

### Health

**Physical Health:**

Health Problem	Medication	Treatment	Treatment Begin Date
Back Interfering with Strenuous Activity		Asprin daily for arthritis	

The defendant reported he suffers from arthritis and back problems and suffers from inflammation in his right knee and left toe. The defendant reported he was seeking social security disability as a result of physical health problems and received one payment of \$340.00 verified by Ms. Allford of Social Security Disability (313) 456-1709.

**Mental Health:**

Health Problem	Medication	Treatment	Treatment Begin Date

The defendant denies any history of mental health problems. He was referred by the Court for a Competency Evaluation and found competent to stand trial.

Parole records indicate the defendant was attending out-patient Sex Offender treatment at Care First, 8097 Decatur, Detroit, MI. (313) 846-5020. Writer faxed an authorization to Mr. Martin to obtain the defendant's adjustment to treatment and is awaiting a return response at the time of this writing.

Writer reviewed the defendant's outpatient sex offender treatment which indicated he was referred for outpatient treatment on 10/11/07 and terminated from the program on 1/24/08 based on having two unexcused missed group sessions and return to closed custody.

Upon review of his discharge the defendant's counselor Theodore Martin indicated "Mr. Smith is not able to control his impulsive self-defeating behaviors nor have the ability to sexual delay gratification... Mr. Smith will always remain a very high risk to the public safety due to his alienated sociopath personality traits."

### Finances

**Income:**

Type	Amount	Description

The defendant has no current source of income.

**Assets:**

Type	Estimated Value	Description

The defendant denies any assets of \$1,500 or more.

**Michigan Department of Corrections**  
**Presentence Investigation**

CFJ-284

Rev. 10/03

**Liabilities:**

Type	Amount	Description

The defendant denies any outstanding debts.

ja



Derrick Lee Cardello-Smith  
#267009  
Ionia Maximum Correctional Facility  
1576 W. Bluewater Highway  
Ionia, MI 48846

May 27, 2025

Office of the Clerk  
United States District Court  
Theodore Levin US Courthouse  
Case Processing Section-Office 564  
231 W. Lafayette Blvd  
Detroit, MI 48226

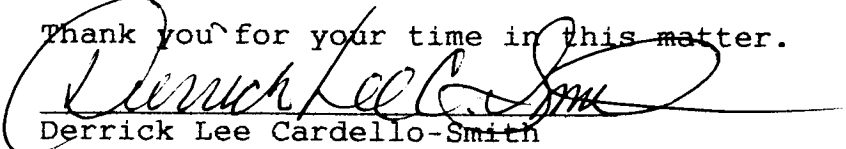
Re: Derrick Lee Cardello-Smith v. Sean Combs et al  
Case No 2:25-cv-11486

Dear Clerk:

Enclosed for filing in the above cause, OFFERS OF  
PROOF and OTHER DOCUMENTS to be placed on the assigned  
judges docket.

Proof of Service is confirmed on Page 2 of the  
Pleadings.

Thank you for your time in this matter.

  
Derrick Lee Cardello-Smith

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DERRICK LEE CARDELLO-SMITH, #267009,  
Petitioner,

Vs

Case No 2:25-cv-11486  
Honorable Terrance Berg

SEAN COMBS, et al,  
Respondents,  
\_\_\_\_\_ /

PETITIONERS OFFER OF PROOF AND AFFIDAVIT  
OF FORMER SEAN COMBS EMPLOYEE BRIAN WIREMAN  
CONFIRMING PETITIONER WAS SEXUALLY ASSAULTED  
BY RESPONDENT SEAN COMBS AND THEN FRAMED BY THE  
RESPONDENTS TO HIDE THE RAPE OF PETITIONER AND  
TO STOP PETITIONER FROM COLLECTING HIS RIGHTFULLY  
ENTITLED 49% OF BAD BOY ENTERTAINMENT, INCORPORATED

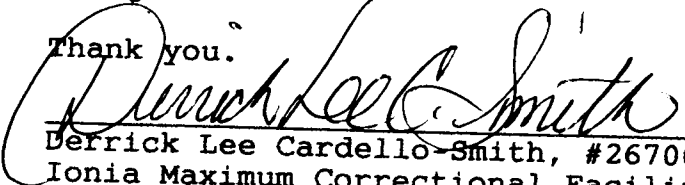
Petitioner submits this offer of proof and affidavit  
of Brian Wireman to this Court confirming that the  
Petitioner was Raped by the Respondent Sean Combs, and  
then his Co-Respondents Framed the Petitioner for Multiple  
Rapes and even hired a Contract Killer to Kill the  
Petitioner, and that mans name is Vincent Smothers.

This affidavit even further confirms and proves the  
Petitioners claims and disputes the respondents denials.

Petitioner asks that this Court keep this mater on  
the record and consider it during the Habeas Corpus  
Proceedings.

Thank you.

May 27, 2025

  
Derrick Lee Cardello-Smith, #267009  
Ionia Maximum Correctional Facility  
1576 W. Bluewater Highway  
Ionia, MI 48846

PROOF OF SERVICE

I mailed one copy of this pleading to the respondents  
address of record on May 17, 2025 by US Mail with all  
postage paid in full from Ionia, MI 48846

State of Michigan)  
                                  )ss  
County of Ionia)

AFFIDAVIT OF BRIAN WIREMAN

The Undersigned, BRIAN WIREMAN, having appeared before me, and being duly sworn, and hereby states that the following are true and factually based events that will be attested to in a Court of Law, State or Federal, civil or Criminal as to:

1. That in November 2007, and in January 2008, I met directly with the persons of

- (1) Patricia Penman, Detective of the Dearborn Police Department, (2007),
- (2) Suzette Samuels, Assistant Wayne County Prosecutor (January 2008),
- (3) Tina Bommarito, (January 2008),
- (4) Nicholas Rabior, Detroit Police Officer (January 2008),
- (5) David Cobb, Detroit Police Officer, (August, 2007),
- (6) Kym L. Worthy, Judge in 1997 and Wayne County Prosecutor January 2008),
- (7) Vincent Smothers (October 2007).

2. During these meetings that were were at, I directly participated in and I observed visually and verbally heard the following conversations take place: "Mr. Cobb ordered Vincent Smothers to Eliminate Cardello-Smith #267009. "Patricia Penman, The Detective and apparent Ex-Girlfriend of Cardello-Smith paid Mr. Smothers ALOT of Money to "Add Cardello-Smith #267009 to a Hit List for Execution and Shooting", "That Cardello-Smith would be framed for a Series of Kidnappings and Rapes that he is in fact not guilty of", " To Have Tina Bommarito, Carl Carpenter both File False Police Reports of Sexual Assault on Cardello-Smith",.

3. I was then approached directly by Ky. L. Worthy, a Sitting active Chief Prosecuting Attorney for Wayne County, to ensure that "Cardello-Smith #267009 was in fact Placed in Prison for False Rapes, and that they had Plenty of Rape Kits dating back to the 1980's and that Kym L. Worthy was doing this "ON THE ORDERS OF SEAN "PUFFY" COMBS,".

4. Kym worthy looked directly at me and states that "I had better keep my mouth shut and keep on doing what I have been doing by acting as Security for her and being her Montcalm Connections, and conducting business as usual."

5. Suzette Samuels is the Assistant Prosecutor who instructed me that Since Cardello-Smith did not want to Kill David Cobb's Wife of the Detroit Police Department, that I am to make sure that "I do not every discuss their her role in the Hiring of Vincent Smothers and his accepting the Contract to Kill Ross Cobb and Kill Derrick Lee Cardello-Smith #267009.

6. I was instructed by Patricia Penman, Wayne County Detective to "1. Arrange for the Sisters Tina Bommarito and Andrea Bommarito, to Make contact with Cardello-Smith in November 2007 for the purpose of FRAMING CARDELLO-SMITH FOR KIDNAPPING AND RAPE CHARGES. This would be done by my providing the Contact information of where Cardello-Smith was staying when out on Bond Pending Appeal for 90 days and then giving that information to Patricia Penman.

I obtained the Information from a Detroit Police Officer named Nicole

rabior, out of The 9th Precinct, N Eastern Division.

7. I was told directly by Patricia Penman that I would then give her 9Penman) the File containing all the location information on Cardello-Smith to her so that she can attend a meeting with Cobb, Bommarito, Smothers and Boike, and some other people, but most importantly, Kym Worthy was the person who stood out, because she is the Wayne County Prosecutor and She has threatened me and has placed so many people in Prison illegally for False Rape and False kidnapping charges.

8. I was directed by Suzette Samuels, Kym U. Worthy, Patricia Penman, to 'Follow their orders, because "PUFF DADDY DEMANDS IT." I had to follow their orders and I promise you, I did to the letter with no problems whatsoever and It is because I feared for my life.

9. Patricia Penman, is the lead detective in this Cardello-Smith's Criminal Case and She dated this man, and she told me many times that she 'Hated the fact that he (Cardello-Smith Dumped her) in the early 1990's. and that she would "Make sure that he never gets out of prison and never gets to be with another woman again, if she cannot have him.

10. Patricia Penman, Kym Worthy, Suzette Samuels and I worked for Sean John Combs, also known as P. Diddy. I have extensive knowledge of the events and people that are involved in this matter and I will ensure that the truth is heard in these cases because Cardello-Smith has been framed by these named people and is in prison on cases he never should have been place din prison for all because he did not want to cooperate with Sean Combs and Other law enforcement in Wayne County.

11. I observed on TV Cardello-Smith having sued Mr. Combs and I have come forward with my insight into this matter, because The Named individuals and I will in fact present my key Insights into this matter if called upon to the Courts for these matters.

12. I have not been paid anything by anyone to offer this testimony, I have not been threatened by anyone to offer this affidavit and facts and I stand by these facts and events and I state that I worked for Sean Combs, Kym Worthy, Suzette Samuels and I am very famillier with Patricia Penman and her roles in this matter of Framing Cardello-Smith #267009.

13. I will speak truth to Mr. Cardello-Smith's Claims and I submit to this Court that Mr. Cardello-Smith is innocent and that he has been framed by Sean Combs, Kym Worthy, Suzette Samuels, Tina Bommarito, and others to HIDE SEAN COMBS SEXUAL ASSAULT OF MR. CARDELLO-SMITH BY MR. COMBS and BY HIS EX-GIRLFRIEND, PATRICIA PENMAN, and others in the Criminal Enterprise of Sean combs and Wayne County Officials that I was a Part of and Will attest to truthfully.

13. I was following orders of Sean Combs, Kym U. Worthy, Patricia Penman, Suzette Samuels and David Cobb to asaiist in a Conspiracy to Frame Cardello-Smith #267009 for a False Rape and Kidnapping Charges in Wayne County, and I was payed to play a role in these actions by these nemed officials, because they each had a personal, Financial interest in ensuring that Cardello-Smith would never be able to get Justice for his being Sexually Aaseaulted by Sean Combs and to collect on his invastment of money he gave to Mr. Combs and the Money that Kym Worthy has given to Mr. Combs and other officials in Wayne County since 1997.

I make these statements under all truth and I state that I aided in Framing Cardello-Smith for False rape and Kidnapping Charges in 2008, and that The named people did this to False Convict Cardello-Smith #267009.

DECLARATION

I swear and declare that the events described herein are true, real and accurate and occurred base don my own knowledge, Information and belief and I will attest to these facts within an open court of law under the penalty of perjury.



Mr. Brian Wireman  
#729116  
2500 S. Sheridan Drive  
Muskegon, MI 48846

April 18, 2025



Signature of Notary Public

Subscribed and sworn before me on April 18, 2025.

my Commission expires on; 1/16/25 <sup>JA</sup> <sub>30</sub>

Derrick Lee Cardello-Smith  
#267009  
Ionia Maximum Correctional Facility  
1576 W. Bluewater Highway  
Ionia, MI 48846

May 27, 2025

Office of the Clerk  
United States District Court  
Theodore Levin US Courthouse  
Case Processing Section-Office 564  
231 W. Lafayette Blvd  
Detroit, MI 48226

Re: Derrick Lee Cardello-Smith v. Sean Combs et al  
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Thank you for your time in this matter.

  
Derrick Lee Cardello-Smith



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Detroit, MI 48226

**Derrick Lee Cardello-Smith**  
#267009  
Ionia Maximum Correctional Facility  
1576 W. Bluewater Highway  
Ionia, MI 48846

Mailed on 5-27-25

Case No 2:25-cv-11486